

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND McLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature

1975

graph A or paragraph B either affirm, modify or set aside any such determination or redetermination on the basis of evidence previously submitted in such case or commence action to hold a hearing in accordance with the requirements of paragraph D to obtain additional evidence. The commission's decision shall be mailed to the last known address of the employing unit and such decision may be appealed to the courts within the time limits and under the provisions of paragraph E.

D. Appeal. Upon appeal of such determination or redetermination, the commission shall after affording the employing unit a reasonable opportunity for a fair hearing, make findings of fact and render its decision which may affirm, modify, or reverse the determination of the Director of Unemployment Compensation or its representative. Such hearings shall be conducted in accordance with the regulations of the commission consistent with section 1194, subsection 6. The commission shall notify the parties to the proceeding of its findings of fact and decision, and such decision becomes final within 15 calendar days after the date of mailing such decision. In the absence of appeal therefrom, the determination of the commission, together with the record of the proceeding under this subsection, shall be admissible in any subsequent material proceeding under this chapter, and if supported by evidence, and in the absence of fraud, shall be conclusive, except as to errors of law, upon any employing unit which was a party to the proceeding under this subsection.

E. Appeals to courts. Within the time provided in paragraph D the employing unit may appeal by commencing an action in the Superior Court of Kennebec County, and any party to the proceeding before the commission shall be made a party thereto. The complaint need not be verified, but shall state the ground upon which relief is sought. A copy of the complaint shall be served upon the commission or upon such person as it may designate. The commission shall certify and file with its answer to the complaint the original or certified copies of all documents and papers and a transcript of all testimony taken in the matter, together with the commission's findings, and decision therein. Upon the motion of any party, the court may order additional testimony or evidence to be offered and, upon the basis of all the evidence before it, shall affirm or reverse the decision of the commission. An appeal may be taken from the decision of said court to the Supreme Judicial Court in the same manner, but not inconsistent with this chapter, as is provided in civil actions.

Effective October 1, 1975

CHAPTER 91

AN ACT to Extend the Time Limit for Filing a Claim under a Mechanic's Lien.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 10 MRSA § 3253, first sentence, is amended to read:

The lien mentioned in section 3252 shall be dissolved, unless the claimant, within 90 days after he ceases to labor, furnish materials or perform services, files in the office of the register of deeds in the county or registry

district in which such building, wharf or pier is situated a true statement of the amount due him, with all just credits given, together with a description of the property intended to be covered by the lien sufficiently accurate to identify it, and the names of the owners, if known; which shall be subscribed and sworn to by the person claiming the lien, or by someone in his behalf, and recorded in a book kept for that purpose by the register of deeds for said county or registry district, who is entitled to the same fees therefor as for recording mortgages.

Sec. 2. 10 MRSA § 3255, as amended by PL 1973, c. 310, is further amended to read:

§ 3255. Liens preserved and enforced by action

The liens mentioned in sections 3251 to 3254 may be preserved and enforced by action against the debtor and owner of the property affected and all other parties interested therein, filed with the clerk of courts in the county where the house, building or appurtenances, wharf, pier or building thereon, on which a lien is claimed, is situated, within ~~90~~ 120 days after the last of the labor or services are performed or labor, materials or services are so furnished except as provided in section 3256.

Sec. 3. 10 MRSA § 3256, first sentence, is amended to read:

When the owner dies, is adjudicated a bankrupt or a warrant in insolvency issues against his estate within the ~~90~~ 120 days and before the commencement of an action, the action may be commenced within ~~60~~ 90 days after such adjudication, or after notice given of the election or appointment of the assignee in insolvency, executor or administrator, or the revocation of the warrant.

Sec. 4. 10 MRSA § 3257, 5th sentence, is amended to read:

Other lienors may become parties and preserve and enforce their liens on said property, provided their complaints therefor, setting forth their claims in substance as required in a complaint be filed with the clerk within ~~90~~ 120 days after the last labor or services are performed or the last labor, materials or services are furnished by them or within the additional time prescribed in section 3256.

Sec. 5. 10 MRSA § 3262, is amended to read:

§ 3262. Enforcement by attachment

In addition to the remedy provided, the liens mentioned in sections 3251 to 3254 may be enforced by attachment in actions commenced in any court having jurisdiction in the county where the property on which a lien is claimed is situated, which attachment shall be made within ~~90~~ 180 days after the last of the labor or services are performed, or labor, materials or services are furnished, and not afterwards, except as provided in section 3256.